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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/972,816	10/05/2001	Masafumi Ishige	450104-02976	6752
20999	7590	07/14/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			SHIBRU, HELEN	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/972,816	ISHIGE, MASAFUMI
	Examiner HELEN SHIBRU	Art Unit 2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 October 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>2/21/06&amp;4/27/06</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendments, filed 04/24/2006, have been entered and made of record. Claims 1-20 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed on 04/24/2006 have been fully considered but they are not persuasive. See the new ground(s) of rejections set below.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarin (US Pat. No. 6,414,725) in view of Krause (US PG Pub. 2001/0055336 A1) and further in view of Washino (US Pat. No. 5,488,433).

Regarding claim 1, Clarin discloses a video data recording apparatus comprising first data processing means for compressing inputted video data by a first compression rate to output a first encoded data (see claim 1 (b)); second data processing means for compressing said inputted video data at a compression rate different from said first compression rate to output second encoded data (see claim 1 (d)), storing means for storing at least said first encoded data (see claim 1 (C));

transmitting means for transmitting said second encoded data outputted from said second data processing means (see col. 4 lines 10-39 and fig. 1); and

a receiver (see computer (11) in fig. 1) means for receiving at least an edit decision list based on said transmitted second encoded data (see col. 4 lines 40-58);

wherein said edit decision list received by said receiving means is supplied to said storing means and is stored with said first encoded data in said storing means (see col. 4 lines 59-67 and claims 10 and 13). Claim 1 differ from Clarin in that the claim further requires a second data processing means for compressing said inputted video data by a compression rate higher than said first compression rate to output a second encoded data, and first encoded data are retrieved from said storing means and broadcast in accordance with said edit decision list.

In the same field of endeavor Krause discloses a first and second encoder (see fig. 1, 2, 9, and 10) and varying the data rate of an encoded video program stream from a first rate to a second rate (see paragraph 0034 lines 1-6). Krause further discloses the rate of the second compression is higher than the first compression ratio in one embodiment but also a lower compression ratio may be used (see paragraph 0034 lines 7-end). Therefore in light of the teaching in Krause it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Clarin by providing different compression rate in order to recover the prediction errors.

In the same field of endeavor Washino discloses first format having a higher data compression ratio and a second format having a lower data compression ratio (see Abstract and col. 3 lines 33-55). Washino discloses an on-line and off-line video editing system for a purpose of creating a final program, and an input to receive a video program (see claim 12 and col. 4 line

14-67). Washino further discloses a playback unit for cable television usage or other extended-playing time application (see col. 5 lines 49-65, col. 7 line 60-col. 8 line 27). Therefore in light of the teaching in Washino it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Clarin by broadcasting the program in order to produce a final edited version of the program in accordance with the decision list.

Regarding claim 2, Clarin discloses receiver means receives, with said edit decision list, incidental data to said second encoded data (see claim 11).

Regarding claim 3, Clarin discloses transmitter means transmits, with said second encoded data, incidental data to said second encoded data (see claim 15).

Regarding claim 4, Clarin discloses incidental data and said second encoded data are script data (see col. 3 line 59-col. 4 line 10).

Regarding claim 5, Clarin discloses storing means is a recording medium capable of random access (see col. 4 lines 10-23).

Method claims 6-10 are rejected for the same reason as discussed in the apparatus claims 1-5.

Regarding claims 11-20, the limitations of claims 11-20 can be found in claims 1-5. therefore claims 11-20 are analyzed and rejected for the same reason as discussed in claim 1-5 above.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru  
July 6, 2006



THAI TRAN  
PRIMARY EXAMINER

A handwritten signature of "THAI TRAN" is written in black ink. To the right of the signature, the words "PRIMARY EXAMINER" are printed in a bold, uppercase font.